

of Columbia by which it invoked the benefits and protects of the District's laws," *COMSAT Corp. v. Finshipyards S.A.M.*, 900 F.Supp. 515, 520 (D.D.C. 1995).

In his complaint, and even on appeal, Mr. Lee has failed to allege "some specific facts," see *COMSAT, supra*, which would show that the Fund had "minimum contacts" with the District "such that the maintenance of the suit [would] not offend traditional notions of fair play and substantial justice." *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (U.S. 1945) (citation and quotation marks omitted). Instead, Mr. Lee argues that the Fund is procedurally barred from asserting a personal jurisdiction defense because it failed to raise the defense in California when the case was first litigated. The trial court erred, he reasons, by considering a defense which should have been raised, if at all, in the California court.

Mr. Lee is correct that in some circumstances a defendant's failure to contest a court's exercise of jurisdiction will act as a bar to the defendant's ability to raise the issue in a subsequent proceeding. See, e.g., *Hazen Research, Inc. v. Omega Minerals, Inc.*, 497 F.2d 151, 153 (5th Cir. 1974) ("Where the defendant has appeared in the original action, the judgment in that cause is res judicata on the issue of personal jurisdiction, whether the defendant actually litigated the question or merely permitted it to pass without objection."). However, contrary to Mr. Lee's contention, a defendant's failure to raise a personal jurisdiction defense in one state does not necessarily make the defendant vulnerable to suit in every state. Taken to its logical extreme, Mr. Lee's argument suggests that because the Fund did not object to the California court's exercise of personal jurisdiction in the original suit, it may now be sued in any state court,

plaint, the simple act of sending correspondence into the District would not satisfy the " 'minimum contacts' requirement of the due process clause." *Shoppers Food Warehouse*, 746 A.2d at 324. See *General Electric Credit Corp. v. Scott's Furniture Warehouse Showroom, Inc.*, 699 F. Supp. 907, 913 (D. Ga. 1988) ("[T]here is a substantial body of case law indicating that the agreement to mail payment checks into a forum state does not weigh heavily in the calculus of [minimum] contacts [analysis].") (citing *Sea Lift, Inc. v. Refinadora Costarricense de Petroleo, S.A.*, 792 F.2d 989, 994 (11th Cir. 1986)).

Accordingly, for the foregoing reasons, we affirm the judgment of the trial court.

So ordered.

ENTERED BY DIRECTION OF THE COURT:

/s/ Garland Pinkston, Jr.
GARLAND PINKSTON, JR.
Clerk of the Court

Copies to:

Hon. Michael L. Rankin

Clerk, Superior Court

Russell Lee, pro se

4100 MASS Ave., NW (16)

Peter M. Boyle, Esq.

607 - 14th St., NW, #900 (05)

APPENDIX B

[Filed JUL 6 2005]

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 04-CV-778

RUSSELL L. LEE,

Appellant,

v.

CA 414-04

STATE COMPENSATION INSURANCE FUND,

Appellee.

BEFORE: Schwelb, Farrell, and Reid, Associate Judges.

ORDER

On consideration of appellant's *pro se* motion for reconsideration, it is

ORDERED that the motion for reconsideration is denied.

PER CURIAM

Copies to:

Honorable Michael L. Rankin
Clerk, Superior Court

9a

Russell L. Lee
4100 Massachusetts Avenue, NW
No. 1319
Washington, DC 20016

Anitra D. Goodman, Esquire
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sl

APPENDIX C

[Filed MAR 31 2004]

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CIVIL DIVISION

Civil Action No. 04CA00414

Russell L. Lee, *pro se*

Plaintiff, -

v.

State Compensation Insurance Fund,

Defendant.

ORDER

Upon consideration of the Motion to Dismiss of Defendant State Compensation Insurance Fund and the Memorandum of Points and Authorities submitted in support there, and the opposition, this Court finds that the Motion is granted, and the Complaint of Russell Lee is dismissed with prejudice. Plaintiff has failed to show that the D.C. Superior Court has personal jurisdiction. Moreover, he failed to state a cognizable claim.

This 29 day of March, 2004.

Michael Rankin
Judge Michael L. Rankin

11a

Signed In Chambers

DOCKETED APR 02 2004

MAILED APR 02 2004

APPENDIX D

RELEVANT CONSTITUTIONAL AND
STATUTORY PROVISIONS

28 U.S.C. section 1738. State and Territorial statutes and judicial proceedings; full faith and credit:

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

The records and judicial proceedings of any court of any such State Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

D.C. Code Section 14-352 reads in full:

A copy of any foreign judgment authenticated in accordance with the laws of the District may be filed in the Office of the Clerk of the Superior Court ("Clerk"). A foreign judgment filed with the Clerk shall have the same effect and be subject to the same procedures, defenses, or proceedings for reopening, vacating, or staying as a judgment of the Superior Court and may be enforced or satisfied in the same manner.

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. 84 POM 96894

RUSSELL L. LEE

Applicant,

vs.

DEPARTMENT OF CORRECTIONS;
STATE COMPENSATION INSURANCE FUND

Defendants.

FINDINGS AND AWARD

BEVERLY S. HERBERT, Workers' Compensation Judge, finds, awards, and orders as follows:

FINDINGS OF FACT

(1) RUSSELL L. LEE, born July 15, 1921, while employed as a teacher, during the period October 17, 1979 to May 2 1985 did sustain an injury to his heart and psyche arising out of and occurring in the course of employment by the State of California, Department of Corrections who was then legally uninsured, with State Compensation Insurance Fund as adjusting agent, sustained injury arising out of and in the course of said employment.

(2) Average weekly earnings at injury were maximum.

(3) In addition to sums paid for previous awards, the injury caused temporary total disability beginning July 8, 1988, to and including April 21, 1989 at \$224.00 per week, in the total sum of less all sums paid on account thereof.

(4) The injury caused permanent disability of 100% equivalent to \$224.00 per week for the duration of applicant's life less credit for all sums paid on account thereof. Disability became permanent on April 22, 1990.

(5) Further medical treatment is required to cure or relieve from the effects of this injury.

(6) Applicant secured necessary medical services to cure or relieve from the effects of his injury payable to Drs. Tweed and McCandless in an amount to be adjusted by the parties or determined herein upon the filing of a petition and supporting documents, but not necessarily limited to those doctors.

(7) The reasonable value of the services of applicant's attorney is deferred pending a petition by counsel with itemization on time spent by counsel in this manner.

AWARD

AWARD IS MADE in favor of RUSSELL L. LEE, and against STATE COMPENSATION INSURANCE FUND as follows:

(a) Temporary disability indemnity pursuant to Finding No. 3.

(b) Reimbursement of self-procured medical expenses according to Finding No. 6.

(c) Permanent disability according to Finding No. 4.

(d) Further medical treatment according to Finding No. 5.

7. (e) Applicant attorney's fees pursuant to Finding No.

/s/ Beverly S. Herbert
BEVERLY S. HERBERT
WORKERS' COMPENSATION JUDGE

Filed and Served by mail on:
all parties on the
Official Address Record
By: /s/ Gloria Fisher
Gloria Fisher
10-4-90

